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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

CHRISTOPHER DAVIS ARP,

Defendant and Appellant.

F041911

(Super. Ct. No. 84408)

**OPINION**

**THE COURT\***

APPEAL from a judgment of the Superior Court of Kern County. John I. Kelly, Judge.

William A. Malloy, under appointment by the Court of Appeal, for Defendant and Appellant.

Bill Lockyer, Attorney General, Robert R. Anderson, Chief Assistant Attorney General, Jo Graves, Assistant Attorney General, and Carlos A. Martinez, Deputy Attorney General, for Plaintiff and Respondent.

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\* Before Vartabedian, A.P.J., Buckley, J., and Gomes, J.

On August 19, 2002, appellant Christopher Davis Arp pled nolo contendere to one count of inflicting corporal injury on his spouse (Pen. Code, § 273.5, subd. (a)). Arp admitted a prior prison term enhancement (Pen. Code, § 667.5, subd. (b)), a prior serious felony conviction within the meaning of the three strikes law, and a previous conviction within the meaning of Penal Code section 273.5, subdivision (e). Arp filed a motion to withdraw his plea. After a contested hearing on the motion, the trial court denied the motion. The court sentenced Arp to prison for three years which was doubled pursuant to the three strikes law for a total term of six years. The court dismissed the prior prison term enhancement, imposed a restitution fine, and granted Arp applicable custody credits.

Arp's appointed appellate counsel has filed an opening brief which summarizes the pertinent facts, raises no issues, and requests this court independently to review the record. (*People v. Wende* (1979) 25 Cal.3d 436.) The opening brief also includes the declaration of appellate counsel indicating that Arp was advised he could file his own brief with this court. By letter of March 17, 2003, we invited Arp to submit additional briefing. To date, he has not done so.

After independent review of the record, we have concluded no other reasonably arguable legal or factual argument exists.

The judgment is affirmed.